



March 14, 2018

Regarding: **Opposition to HB 5447:** AAC Act Implementing the Recommendations of the Auditors of Public Accounts Concerning Private Providers of Special Education

Dear Representative Fleishmann, Senator Slossberg, Senator Boucher and Members of the Education Committee:

I am writing today on behalf of the over 700 Board Certified Behavior Analysts and the families we serve. HB 5447 will take the "I" out of the IEP process, limiting options for children, and limiting the ability of private providers to provide good quality programming for children with special needs throughout our state. It is simply not possible that this bill will not severely curtail the ability of private providers to train and maintain staff and run their businesses in a way that will enable them to continue to offer viable options for some of our states most difficult to educate students.

The wording of this bill is inclusive of of related service providers and includes essentially every outside consultant including but not limited to professionals such as OTs, PTS, SLPS, Behavior Analysts, and Psychologists that can be included on children's IEPs; which will also negatively impact the quality and provision of related services. Many related service providers travel around the state to consult to school districts, which can be both time consuming and expensive. This bill may make it impossible for these necessary pieces of the IEP puzzle to continue to provide services across a wide geographic area; and will reduce the options for many children throughout the state, particularly those in less populated areas.

Obviously, the state would not create a funding network that keeps the funding as it is or increases it. The result of this proposed bill will be a reduction in funds designed by those who do not have intimate knowledge of how each of these private programs design and implement services. We cannot expect that private providers can continue to implement IEP's with integrity and rigor when they cannot fully fund the human resources required to do so.

While we have great confidence that the Commissioner of Education can oversee the provision of public school programs very well, the private provider network is not designed like a public school and face unique challenges including but not limited to extended school years, longer school days, higher staff to student ratios, the need for professionals possessing singular expertise, and administrative supervision and reporting requirements already placed on these programs by the state. In addition, the children in the care of private providers are generally the most challenged and challenging to educate or school districts would not be looking to place them in an out of district placement in the first place. Private providers are not one-size-fits-all programs and one-size-fits-all funding will not facilitate a continuation of good programming.

The likely outcome of this proposed legislation is that the quality of these programs will be negatively impacted; staff training will decrease while staff turnover increases, our more difficult and fragile learners will not get placements because providers simply will no longer be able to adequately address their needs; and private providers will either go out of business or reduce program options in an attempt to keep their doors open. They will fall financially further and further behind every year. This is exactly what is happening to programs funded by DDS. It is almost impossible for private providers reliant on DDS funding to provide decent programming, programs are closing or limiting the people they accept while they struggle to keep up with the administrative hoops they have to jump through. And, it is entirely possible that the long term impact will be that the children who no longer can access an appropriate out of district placement will ultimately cost the state far more money in both the short and long term if they cannot access a program that is individually crafted to meet their special education needs.

School districts always have the option to provide a program for these students themselves rather than placing in a child with a private provider. They also can elect not to utilize a specific provider if they feel that they are too expensive or not reasonably designed for their student. There are now 72 approved private school programs as well as hundreds if not thousands of related service providers. There are market pressures on the programs and providers that naturally help keep the costs down without the state dictating an arbitrary funding formula.

This bill only limits funding for private providers, which is the smallest segment of the states special educations costs. The cost of operating public school special education programs, or those provided by the RESCs would not be impacted – nor should they be. The state is well aware that the cost for districts vary throughout the state for a variety of reasons, yet private providers would have to compete with them for employees without the financial resources to adequately do so.

Additionally, most (but not all) private programs are nonprofits who already have an annual independent audit which should ensure that these programs are operating with financial integrity and in compliance with good accounting practices and state laws.

This bill is horrible for our children with special education needs. Please do not move this bill forward.

Yours truly,

Suzanne Letso, M.A., BCBA
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March 14, 2018

Regarding: **Addendum Opposition to HB 5447: AAC Act Implementing the Recommendations of the Auditors of Public Accounts Concerning Private Providers of Special Education**

Dear Representative Fleishmann, Senator Slossberg, Senator Boucher and Members of the Education Committee:

This letter is written as an addendum to the testimony I submitted earlier today. In reviewing the state auditor's report issued February 2018, it is important to note that the auditor's **did not recommend rate setting of private providers.**

I believe this is an import consideration when considering whether or not to move this bill forward. The full recommendations copied below from their report.

While there are a number of issues relate to HB 5447's wording other besides the inherently flawed Section 2, we do not disagree with the finding or the auditor's actual recommendations in this report, and believe that we can collaborate to address the concern raised whether through the legislative process or simply by dialoging and collaborating of fixing these problems as a community.

Yours truly,

Suzanne Letso, M.A., BCBA
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Auditors of Public Accounts

RECOMMENDATIONS

This is our first audit of private providers, and there are no prior audit recommendations to address. Our current audit resulted in four recommendations.

Current Audit Recommendations:

- 1. The State Department of Education should consider defining allowable types of costs for private providers of special education services.**

Comment:

Connecticut does not define types of allowable costs for private special education providers. Therefore, we could not determine whether private providers had expended state and local funds for allowable costs.

2. **The State Department of Education should determine whether a contract is in place between the school district and private provider prior to providing the district with an excess cost grant.**

Comment:

Prior to establishing individualized education programs, school districts should be contracting for certain types of services with vendors to set forth reasonable expectations, including cost. There were no contracts between the school districts and private providers for 49% of the student records reviewed. There was no evidence that contracts were executed for 52% of students for which school districts applied to the State Department of Education for excess cost grants.

3. **The State Department of Education should improve communications with school districts and special education providers to clarify how they can provide and document direct and indirect service requirements contained in the individualized education program.**

Comment:

One private provider used indirect services to fulfill the direct service requirement within the individualized education programs. The provider immediately corrected this matter, but this situation illustrates the need for the State Department of Education to improve communications with private providers regarding the requirements

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4. **The State Department of Education should consider working with private special education providers to develop and implement documentation requirements.**

Comment:

There is no established standard for private providers to use when documenting that they delivered special education services. The State Department of Education should establish uniform standards. These standards would help ensure that school districts and the state are getting what they are paying for and students are receiving the services they need.

Yours truly,

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